

Town of Nolensville
Board of Mayor and Alderman Meeting
Date: June 1, 2006, Time 7:00 p.m.
Nolensville Elementary School

Mayor Tommy Dugger opened the meeting at 7:03 p.m. Members present were Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, Larry Felts and Beth Weaver-Lothers. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 29 citizens present.

Mr. Willis Wells led the prayer and pledge.

Citizens Input:

Mr. Aubrey Short, 803 Rockwood, thanked the board for their service. Mr. Short noted that we should feel compassion to Mexicans due to a recent trip to their homeland. He further noted that he had sent an email to the board addressing impact fees that were imposed in Florida. Mr. Short said that a 2,000 square foot home would have impact fees totaling \$12,000. Nolensville should impose an impact fee for new residents so that they pay their way. He further stated that he regrets seeing a sign that states Nolensville "City" limits. Nolensville was incorporated as a "Town" and he would like the signs to reflect this.

Mr. Gardiner Jones, 700 Cromwell Court, requested the board remove the agenda item that opposes the hospital in Spring Hill. He feels that it is ludicrous for Nolensville to tell another municipality they are opposed to their hospital.

Alderman Curtsinger made a motion to approve the minutes from the regular meeting of May 4, Alderman Alexander seconded. The minutes were approved by majority, Aldermen Alexander, Curtsinger, Felts, and Weaver-Lothers voted for, Mayor Dugger abstained due to his absence last month.

Alderman Felts made a motion to approve the treasurer's report, Alderman Weaver-Lothers seconded. Recorder Lancaster stated that the treasurer's report was before the board. Alderman Curtsinger inquired about the \$40,000 miscellaneous line item, asking that it be broken down. Recorder Lancaster stated that she would get this breakdown. He also noted that the expenses are 15%, is the town expecting any additionally revenues? Recorder Lancaster stated that should be the normal income in addition to \$22,500 transfer from State Street Aid. If necessary an estimate could be given. The vote was then taken and was unanimously approved.

Committee reports:

Mr. Willis Wells reported for the Planning Commission.

- Bent Creek passed
- Two lots at Bent Creek Reserve were removed due to graves being located on these lots
- Street lighting was discussed
- Monthly bond report was approved

Alderman Curtsinger asked if it was known who was buried in those locations. Matt Happel, Planning Commission member and resident of that area, stated that it was Brian Jones great grandparents. Counsel Notestine stated that C & K Developers hired Duvall and Associates. He stated that this is the only organization that he is aware of that performs these type of studies. They will be presenting their findings to the Planning Commission. Counsel further stated that the language in the plat might need to be changed. Alderman Weaver-Lothers inquired about the PUD workshop. Mr. Wells stated that it was discussed, although a decision was not made. Mr. Laird noted that policy changes were agreed upon. Alderman Weaver-Lothers asked if these changes were reflected in the Planning Commission minutes. It was noted that they were.

Ms. Betty Friedlander reported for the Historic Commission.

- Sign request was before this board last month
- Parts of the zoning ordinance were omitted that should have changed areas in regards to Historical Commission
- Submitted the corrections to town attorney
- Williamson County Fair will be in August – catalogs are throughout the town

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- A firefighter has completed the Academy
- ISO rating will be performed

Rich Woodroof reported for the Code's Department

- Completed 325 building inspections
- 43 new permits issued
- 39 sprinkler inspections performed
- Henry has been working on impact study
- The county, under contract, has repaired Sam Donald, Dortch, and Hyde Lane
- No Parking signs have been installed
- Bent Creek requested various islands to be removed to assist emergency vehicles, this was approved

Mayor Dugger reported for the Public Works Department

- A written report was submitted to the board

Chief Paul Rigsby reported for the Police Department

- A written report was submitted
- “Click it or Ticket” signs throughout town
- Vandalism cases are down

Mayor's report:

Mayor Dugger noted that the census was completed and submitted to the State. The final total was 3,343.

Mayor Dugger thanked the citizens for their cards, prayers and visits to the funeral home during his father's recent death.

Second reading on Ordinance 06-09, an ordinance to amend the zoning ordinance 04-09, of the Town of Nolensville to address firework sales. Counsel Notestine noted that this is the second reading of this ordinance and briefly described the process of amending the zoning ordinance. Alderman Curtsinger noted that the only concern that he has is in regards to the lights that were obstructive and were addressed in a previous meeting. Alderman Weaver-Lothers asked if there were hours of operation addressed. Mr. Laird stated that the number of days and the distance to a residential area is discussed, although, exact hours of operation was not. Engineer Woodroof stated that there is a portion of the zoning ordinance that addresses lights. He feels that this section will include the fireworks stand. Alderman Alexander said that he has noticed paving at this location. He asked if they received a permit to perform this work and was it done in preparation for the fireworks stand. Engineer Woodroof stated that he was not sure, but would check into this issue.

Mr. Roger Lloyd, fireworks stand operator, asked the board if the temporary use permit approval by the Planning Commission could be waived this year due to the closeness of the 4th of July holiday. Engineer Woodroof stated that this location already had a fireworks stand previously, therefore this does not have to go before the Planning Commission, but must meet the town's standards. Mr. Laird noted that this is why this ordinance is being addressed tonight.

Alderman Alexander made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

Second reading of ordinance 06-10, an ordinance to amend the zoning ordinance 04-09, of the Town of Nolensville to address expiration of grading permits. Counsel Notestine briefly described this ordinance. Mayor Dugger made a motion to approve this ordinance, Alderman Felts seconded and this was approved unanimously.

Second reading of ordinance 06-11, an ordinance to adopt a budget for fiscal year 2006-07 for the Town of Nolensville. Counsel Notestine briefly described this ordinance. Mayor Dugger made a motion to approve this ordinance, Alderman Alexander seconded. Mr. Gardiner Jones, 700 Cromwell, noted that he had a concern of rolling over the budget. It was noted that this clause is placed in every budget ordinance as a precautionary measure. Mayor Dugger stated that the town has never "rolled" a budget over.

Mr. Aubrey Short, Rockwood Drive, stated that in the past he has requested that the storm water drainage be addressed. The grading, in some areas, is 6" below the road. He asked the board if there was any funding in the budget to correct these manholes. Mayor Dugger stated that there is not funding in this budget, but could be reviewed for future funding.

Mrs. Lynda Moses, Rock Springs Road, stated that last month Alderman Weaver-Lothers asked that the website be reviewed. Has this request been done? Mayor Dugger stated that it is his understanding that the contract expires in January. At that time the new

board will review this contract.

Fire Chief Presley Hughes stated that he is making an appeal to this board to fund the original request that was submitted. He stated that the town is getting a bargain for the money that it currently pays. He further stated that he did not feel that the town should place budget cuts on life safety. Mayor Dugger asked for the fund balance of the fire department. Chief Hughes stated that in 04/05 the revenues were \$117,177, with expenses being \$115,490. He stated that there is not a significant surplus from year to year. He noted that there maybe one to two thousand dollars per year. Chief Hughes noted that the calls are up 66%. Alderman Felts inquired to what the county would be giving to the fire department. Chief Hughes stated that they would be increasing the budget to reflect the increase in fuel and insurance cost. He stated that the anticipated increase would be around 4%. Alderman Weaver-Lothers asked when the ISO rating would be publicized. Chief Hughes stated that normally the survey is done every three years, although with the growth in Nolensville they are doing it again this year (one was performed last year). It takes approximately three days to perform the survey and studies. The department will be made aware of their findings within approximately seven to eight months.

Alderman Felts stated that his concern is the Police and Fire Departments. The Police Chief requested an additionally officer in July versus January last month. Mayor Dugger noted that an officer (with benefits) would cost the town approximately \$20,000 more to begin in July versus January. Alderman Curtsinger stated that he felt this department needed an officer in July. He also stated that he feels the board should review the fire department. He stated that on the plan of service, which was passed with the annexation, the town committed to providing both of these services.

Mayor Dugger noted that any board member could make an amendment to the budget.

Alderman Weaver-Lothers asked if there were any part-time officers. Chief Rigsby stated that it is hard to find part time officers. Currently there is an officer on guard duty and if an officer calls in sick the county has to cover the Nolensville area.

An audience member inquired about the State Income Tax line item. Counsel Notestine stated that this is a tax that is received from individuals that have dividends.

Alderman Felts asked if there was money in the reserve fund that can be moved to fund the fire and police request.

Mayor Dugger noted that the budget is a positive budget by approximately \$54,000. Mayor Dugger noted again that any Alderman could make an amendment.

Alderman Curtsinger asked how the sub-committee arrived with these allocations. Mayor Dugger stated that the fire department made a request for funding. This request was doubled from the previous year. The sub-committee discussed each allocation and in regards to the fire department, as he remembered, when the sprinkler ordinance was passed Chief Hughes stated that he would rather have the sprinkler requirement versus the money that could be collected. The pumper-truck note of \$47,000 was chosen due to this amount being allocated from the Facilities Tax funding. The \$18,000 remained from the general fund, which is allocated to the volunteers. Alderman Alexander, a sub-

committee member, stated that he recalls the same discussion. Alderman Alexander stated that the sub-committee tried to treat each department the same.

Alderman Weaver-Lothers asked for clarification in regards to the Adequate Facilities Tax and the manner that these funds could be utilized. Counsel Notestine noted that Nolensville had passed a private act to impose this tax and it is not real defined. He felt confident that these funds could not be used for staff and payroll. The board discussed extensively these funds and possible expenditures that could be taken from these funds.

Alderman Felts stated that he would like to make a suggestion, for next year, that the fire and police department be the first on the list for review.

Mayor Dugger stated that any board member could make an amendment to the budget.

Alderman Weaver-Lothers noted that on page 8, Don Swartz is paid \$50.00 per hour. She inquired about his position and duties. Mayor Dugger stated that Don works one day a week, approximately 6 hours per day. He is more of a consultant in regards to roads.

Chief Hughes wanted to make the board aware that the budget request was not doubled. Last year the budget was approximately \$33,000 and the request this year was \$64,000.

Alderman Weaver-Lothers noted that she had raised the question last month in regards to the website annual payment of \$7,000. Mayor Dugger stated that this does need to be resolved, and it is his understanding that the contract is valid through January 2007.

Mr. Short, from the audience, stated that the fire department is being discussed. His homeowners insurance increased \$50 last year. If the ISO goes up it could cost the homeowner more.

Mr. Frank Wilson, from the audience, stated that he believes, if it was investigated, the facilities tax could be used in other areas.

Mayor Dugger made a motion to increase the Fire Department budget by \$18,000, to be taken out of the adequate facilities tax to provide new uniforms for the department, and add \$20,000 to the police budget to provide an officer to be hired in July versus January, Alderman Weaver-Lothers second this motion. This amendment passed unanimously. The vote was then taken for the passage of this ordinance as amended. This passed unanimously.

Reading of Resolution 06-10, a Resolution to enter into an agreement with AMEC Earth and Environmental. Counsel Notestine noted that there are a few issues with in this contract that he is not comfortable. He asked the board that if it is passed to please pass with the condition that he can negotiate some issues. Alderman Alexander made a motion to approve with the condition that counsel will negotiate this, Mayor Dugger seconded. Engineer Woodroof stated that we are using AMEC as a sub-contractor. Alderman Curtsinger noted that it states two calendar years, which seems a little long for a contract. Additionally, the board needs to keep in mind that this is the same group that sent out amateurs to inspect the road. This needs to be addressed. Alderman Curtsinger recommended that this motion be withdrawn. Alderman Weaver-Lothers stated that she would have to abstain due to not receiving this document for review. Alderman

Alexander withdrew his motion, Mayor Dugger withdrew his second. Mayor Dugger made a motion to continue this indefinitely, Alderman Weaver-Lothers seconded and this passed unanimously.

Reading of Resolution 06-11, a Resolution to enter into an agreement with Florence and Hutcheson. Town Planner Henry Laird noted that there are two parts to this project. Florence and Hutcheson will perform the major roadway plan. This will determine the town's needs for the next ten years in regards to roads. The second part is to recommend Duncan and Associates who will propose the impact fee based upon the major roadway plan.

Mayor Dugger noted that the funds to pay for these studies would come from adequate facilities tax. Alderman Curtsinger stated that he felt these are necessary studies. He further stated that he has a concern with the section 6.2 of the agreement. Alderman Weaver-Lothers stated that she felt it is critical to get this in place. Alderman Alexander agreed. Mayor Dugger made a motion to approve this Resolution, with the condition that counsel review and resolve section 6.2, Alderman Alexander seconded and this passed unanimously.

Reading of Resolution 06-12, a Resolution to enter into an agreement with Duncan and Associates. Counsel Notestine briefly described and Mr. Laird noted that this is the agreement that was previously discussed. He further noted that this company has performed these studies from locations such as Las Vegas, Nevada to White House, Tennessee. Mayor Dugger made a motion to approve this Resolution, with Counsel Notestine's review and approval, Alderman Weaver-Lothers seconded and this passed unanimously.

Reading of Resolution 06-13, a Resolution to adopt the updated five year strategic economic development plan. Alderman Alexander briefly described this Resolution. Alderman Curtsinger asked if this would include the town's plan. Alderman Alexander stated that he would get a copy of the plan to the board. Alderman Alexander made a motion to approve this Resolution, Alderman Felts seconded and this passed unanimously.

Reading of Resolution 06-14, a Resolution in opposition of establishing a hospital in Spring Hill. Counsel stated that it was his understanding that several governments have supported this resolution. He noted that this was more in "support" of Williamson Medical Center, versus opposing Spring Hill Hospital.

Mr. Jerry Sharber with Williamson Medical stated that he had presented this resolution to Mayor Dugger. He then introduced Roger Kline with Williamson Medical. Mr. Kline stated that Williamson Medical is a county facility that is supported with local taxes. He noted that this hospital is not for profit and the one being discussed in Spring Hill is for profit. He asked for the board's passage of this resolution.

Mrs. Lynda Moses, from the audience, asked if this could read in "support" versus "opposing".

Alderman Curtsinger stated that the people should understand if a "for profit" hospital is allowed it could hurt the local County hospital. Alderman Weaver-Lothers asked what

other government is in support of this resolution. Mr. Kline stated that Williamson County was in support and Franklin has it on their agenda for their June meeting.

Mayor Dugger made a motion to approve this resolution, Alderman Curtsinger seconded and this passed unanimously.

Alderman Felts noted that approximately one and a half years ago he began looking at a Code of Ethics for the Town of Nolensville. He noted that he has been accused of plagiarism. He stated that this Code was copied from Battle Creek, Michigan. He stated that he was approached by several to begin the process and it covers compliance of law, conduct at public meetings, gifts and much more. The biggest change was to have a board of conduct committee with five members, which will convene when necessary. He stated that this board would give a recommendation for the validity of a violation and the consequence that will be imposed for the violation.

Mr. Aubrey Short, from the audience, noted that this refers to the Commission is this correct or should it be a Board of Mayor and Aldermen. Mayor Dugger noted that he felt employees have the employee handbook that they must abide. Alderman Weaver-Lothers felt that the commissions should remain within this document.

Alderman Curtsinger asked Counsel Notestine, due to the current litigation, should this code of ethics be considered? Counsel Notestine recommended that the board not pass this due to the current litigation, although it can be worked on and refined. Counsel felt that discussing this is all right, although it should not come up for a vote until after the litigation is over.

Alderman Alexander asked if discussing this would imply that a problem exists. Counsel Notestine stated that appearance is a large part.

Mr. Matt Happel asked if the Planning Commission was going to be included, could they receive a copy of this document. It was noted that a copy would be forthcoming to those commissions.

A letter from Ms. Paulette Sullivan was read by Mayor Dugger addressing firearms and opposing shooting within the town limits.

Alderman Weaver-Lothers noted that there are shots fired behind her home. She noted that Ms. Sullivan raises a good point as the town grows.

Mr. Wells, from the audience, asked if the noise Ordinance would apply. It was noted that it would not.

Engineer Woodroof ask that the board consider how the traffic is going to be handled on New Clovercroft Road. Alderman Curtsinger stated that the flow was decided on by the Planning Commission and should be brought forward.

Alderman Weaver-Lothers noted there are issues on Cowan Drive that should be addressed. She asked if the code was strong enough to address cars blocking the street. She stated that if a fire truck needed to get down that street it would not be able to pass the cars parked along the roadside. Counsel Notestine stated that he felt the vehicle

owners could be made to move their vehicles by the town. Alderman Curtsinger noted that in addition to the street being blocked, it is filthy and looks awful. Engineer Woodroof stated that if the road were blocked they would refuse to do inspections. Alderman Curtsinger asked when Cowan would be paved. Engineer Woodroof stated that the paving would begin tomorrow.

With no further business, Mayor Dugger made a motion to adjourn, Alderman Curtsinger seconded, and the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Walter T. Dugger, III
Mayor